The opinion in support of the decision being entered today was <u>not</u> written for publication in a law journal and is <u>not</u> binding precedent of the Board.

## UNITED STATES PATENT AND TRADEMARK OFFICE

## BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte C. ALEXANDER TURNER, JR., BRIAN MATHUR, MICHAEL C. NEHLS, GLENN FRIEDRICH, BRIAN ZAMBROWICZ, and ARTHUR T. SANDS

Application 09/771,961

MAILED

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U.S. PATENT AND TRADEMARK OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

## ORDER DISMISSING APPEAL

Before HARKCOM, <u>Acting Chief Administrative Patent Judge</u>, and WILLIAM F. SMITH and GRIMES, <u>Administrative Patent Judges</u>.

## Per curiam.

On April 1, 2003, appellants filed a Notice of Appeal. On February 24, 2005, appellants filed a communication stating that the appeal in this case "has been abandoned in favor or a continuing application."

Accordingly, it is

ORDERED that the appeal is dismissed.

Application 09/771,961

The application is being returned to the examiner for further action as may be appropriate.

Gary V. Harkeom, Acting Chief Administrative Patent Judge

William F. Smith

Administrative Patent Judge

**BOARD OF PATENT** 

**APPEALS AND** 

**INTERFERENCES** 

Eric Grimes

Administrative Patent Judge

Lexicon Genetics Incorporated 8800 Technology Forest Place The Woodlands, TX 77381-1160

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